

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00196-ADA
v.)	
)	
CSI, INC.)	JURY TRIAL DEMANDED
Defendant.)	

**REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE RESPONSE TO
CSI, INC.’S MOTION TO DISMISS**

Plaintiff mCom IP, LLC. (“mCom”) files this reply in support of its motion for leave to file its opposition to Defendant CSI, Inc.’s motion to dismiss.

CSI’s Response¹ to Plaintiff’s Motion² is nothing more than an attempt to smear Plaintiff’s counsel. CSI’s opposition to the reasonable extension of time to respond to CSI’s motion to dismiss is made more remarkable given that Plaintiff’s counsel did not oppose a 45-day extension³ for CSI’s counsel to respond to the complaint. That no reciprocal courtesy was extended belies belief and shows CSI’s gamesmanship. Plaintiff’s counsel’s docketing errors were regrettable and affect numerous cases, not only this case. However, Defendant’s Response provides no evidence that its is unduly prejudiced by the requested extension of time to respond to the motion to dismiss, which was filed on August 9, 2021. In fact, the response to CSI’s motion to transfer⁴ is not due, under the Court’s Standing Order, until September 5, 2021. Accordingly, CSI will not be able to show undue prejudice.

¹ Doc. No. 15.

² Doc. No. 12.

³ Doc. No. 8.

⁴ Which was improperly included in the same document as the motion to dismiss.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave and extend the time for Plaintiff to respond to Defendant, Alert's Motion to Dismiss, ECF No. 11 through and including August 13, 2021. In the alternative, if the Court is inclined to dismiss the complaint, Plaintiff requests such dismissal is without prejudice.

Respectfully submitted,

Ramey & Schwaller, LLP

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served on this day of August 12, 2021, with a copy of the foregoing via e-mail.

/s/ William P. Ramey, III
William P. Ramey, III